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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			TSEGAYE, SABA	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,260

Applicant(s)

WU ET AL.

Examiner

Saba Tsegaye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4 and 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 38 is objected to because of the following informalities: in line 3, there appears to be a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 39-41 and 77-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (US 2002/0055364).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 39 and 77, Wang discloses a method for controlling data transfer using a short data burst mechanism between a mobile station (claimed one or more access

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terminals) and a base station (claimed one or more access points). After identifying that a short data burst mechanism is desired to be used for transmitting data between the MS and the BS, the data is transmitted over a common channel used for communication between the MS and the BS without having to establish a communication link (claimed a dormant mode) between the MS and the BS over a traffic channel (0006; 0017).

Regarding claims 2, 40 and 78, Wang discloses the method further comprising:

One or more of the access points transmitting control signal to one or more of the dormant access terminals that include the corresponding assigned common traffic channel.

Regarding claims 3, 41 and 79, Wang discloses the method further comprising:

one or more of the access points detecting that one or more of the dormant access terminals did not acknowledge receipt of the short data bursts (0017); and

one or more of the access points re-transmitting the short data bursts to one or more of the non-acknowledging dormant access terminals using the assigned corresponding common traffic channels (0017).

4. Claims 1, 2, 39, 40, 77 and 78 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US 6,456,604).

Regarding claims 1, 39 and 77, Lee discloses a method of operating access points in a CDMA/HDR communications network including access terminals capable of operation in an active or a dormant mode of operation, comprising:

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one or more of the access points detecting that one or more of the access terminals are operating in or transitioning to a dormant mode of operation (column 4, lines 3-10; lines 24-26);

one or more of the access points assigning one or more of the dormant access terminals to one or more corresponding common traffic channels (column 4, lines 24-26); and

one or more of the access points transmitting short data bursts to one or more of the dormant access terminals using the assigned corresponding common traffic channels (column 4, lines 24-26).

Regarding claims 2, 40 and 78, the method further comprising:

one or more of the access points transmitting control signals to one or more of the dormant access terminals that include the corresponding assigned common traffic channels (column 4, lines 36-42).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 41 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Lee (US 6,216,008).

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Lee ('604) discloses all the claim limitations as stated above except for: retransmitting the short data bursts to the non-acknowledging dormant access terminal.

Lee ('008) teaches, in Fig. 2, a method for querying a user to determine whether or not the user desires to retransmit a short message, in idle state, which has not been successfully transmitted due to a transmission failure (column 3, lines 8-25).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings of Lee ('008) of retransmitting short data bursts in the dormant state of Lee. One of ordinary skill in the art would have been motivated to do this because retransmitting data bursts allows the receiver to receive data free of errors and to maintain the synchronization between the transmitter and receiver, and ensures proper receipt of data by the receiver.

7. Claims 3-8, 19-23, 41-46, 57-61, 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. ('604) in view of Hamalainen et al. (US 6,289,217).

Lee ('604) discloses all the claim limitations as stated above except for: retransmitting the short data bursts to the non-acknowledging dormant access terminal (as in claims 3, 41 and 79); reassigning non-acknowledging dormant access terminals to different corresponding common traffic channels; and reassigned corresponding traffic channels are determined as a function of the carrier to interference ratios (as in claims 4-6, 42-44 and 80); and retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels (as in claims 8 and 46).

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Regarding claims 3, 41 and 79, Hamalainen teaches that some basic parameter values can be transmitted between the base station and the mobile station when the mobile station is in idle mode. Further, Hamalainen teaches, in Fig. 3, that the receiving device requests the transmitting device to retransmit burst.

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings of Hamalainen of retransmitting short data bursts in the dormant state of Lee ('604). One of ordinary skill in the art would have been motivated to do this because retransmitting data bursts allows the receiver to receive data free of errors and to maintain the synchronization between the transmitter and receiver, and ensures proper receipt of data by the receiver.

Regarding claims 4-6, 42-44, and 80, Hamalainen teaches, in Fig. 3, reassigning non-acknowledging dormant access terminals to different corresponding common traffic channels; and reassigned corresponding traffic channels are determined as a function of the carrier to interference ratios (column 9, lines 46-65).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Hamalainen of using different corresponding common traffic in the dormant state of Lee ('604). One ordinary skill in the art would have been motivated to do this because it is an efficient way to minimize interference with other terminals.

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Regarding claims 8 and 46, Hamalainen teaches retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels (column 9, line 62-column 10, line 32).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Hamalainen of retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels in the system of Lee ('604). One of ordinary skill in the art would have been motivated to do this because retransmitting data bursts allows the receiver to receive data free of errors and to maintain the synchronization between the transmitter and receiver. In addition, using reassigned corresponding common traffic channels is an efficient way to minimize interference with other terminals.

Regarding claims 7 and 45, Lee ('604) in view of Hamalainen discloses all the claim limitations as stated above in claims 8 and 46. Lee ('604) in view of Hamalainen does not disclose one or more of the N times non-acknowledging dormant access terminals changing to the active mode of operation.

However, Lee ('604) discloses that the base station in all operating states continually transmits signals on the forward pilot channel (column 4, lines 29-48).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to change the dormant access terminals to the active mode in order to synchronize between the mobile terminal and the base station by using dedicated control channel.

Regarding claims 19-22 and 57-60, Lee ('604) discloses all the claim limitations as stated above except for assigning the dormant access terminals to one or more corresponding common traffic channels and time slots.

Hamalainen teaches that the concept "burst" means the quantity of data that is transmitted in one slot of the frame structure (column 3, lines 27-44).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Hamalainen of assigning the dormant access terminals to one or more corresponding common traffic channels and time slots in the data communication system of Lee ('604). One of ordinary skill in the art would have been motivated to do this because time slots can be divided in different ways, so that one frame may contain slots of varying sizes.

Regarding claims 23 and 61, Lee ('604) discloses all the claim limitations as stated above except for retransmitting the short data bursts using the assigned corresponding common traffic channels and time slots.

Hamalainen teaches that some basic parameter values can be transmitted between the base station and the mobile station when the mobile station is in idle mode. Further, Hamalainen teaches, in Fig. 3, that the receiving device requests the transmitting device to retransmit burst.

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings of Hamalainen of retransmitting short data bursts in the dormant state of Lee ('604). One of ordinary skill in the art would have been motivated to do this because retransmitting data bursts allows the receiver to receive data free of errors and to maintain the

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synchronization between the transmitter and receiver, and ensures proper receipt of data by the receiver.

Further, Hamalainen teaches that the concept "burst" means the quantity of data that is transmitted in one slot of the frame structure (column 3, lines 27-44).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Hamalainen of assigning the dormant access terminals to one or more corresponding common traffic channels and time slots in the data communication system of Lee ('604). One of ordinary skill in the art would have been motivated to do this because time slots can be divided in different ways, so that one frame may contain slots of varying sizes.

8. Claims 9-12 and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. ('604) in view of Love et al. (US 2001/0040877).

Lee ('604) discloses all the claim limitations as stated. Further, Lee ('604) discloses that channel is shared by mobile terminals through an access mechanism based on competition. The packet access channel is called PDACH in the dormant state (claimed assigning one or more of the dormant access terminals to one or more corresponding common traffic channels). However, Lee ('604) does not expressly disclose assigning one or more of the dormant access terminals to one or more corresponding rate groups.

Love teaches, in Fig. 4, scheduling a plurality of mobile units for data transmission over a common channel shared by the plurality of mobile units based on C/I measurements provided by each remote unit (0025).

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It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Love of assigning one or more of the dormant access terminals to one or more corresponding rate groups to the mobile communication system of Lee ('604). One of ordinary skill in the art would have been motivated to do this because to assign terminals to corresponding rate groups provides the ability to maintain high data rates connection based on channel quality feedback (0005).

9. Claims 13-18 and 51-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. ('604) in view of Love et al. as applied to claims 9-12, 47-50 above, and further in view of Hamalainen et al.

Regarding claims 13 and 51, Lee ('604) in view of Love discloses all the claim limitations as stated above except for retransmitting the short data bursts to one or more of the non-acknowledging dormant access terminal using the assigned corresponding common traffic channels and different corresponding common traffic channel and rate groups.

Hamalainen teaches that some basic parameter values can be transmitted between the base station and the mobile station when the mobile station is in idle mode. Further, Hamalainen teaches, in Fig. 3, that the receiving device requests the transmitting device to retransmit burst.

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings of Hamalainen of retransmitting short data bursts in the dormant state of Lee ('604). One ordinary skill in the art would have been motivated to do this because retransmitting data bursts allows the receiver to receive data free of errors and to maintain the

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synchronization between the transmitter and receiver, and ensures proper receipt of data by the receiver.

Regarding claims 14-16, and 52-54, Lee ('604) in view of Love discloses all the claim limitations as stated above except for reassigning the non-acknowledging dormant access terminals to different corresponding common traffic channels and rate groups.

Hamalainen teaches, in Fig. 3, reassigning non-acknowledging dormant access terminals to different corresponding common traffic channels; and reassigned corresponding traffic channels are determined as a function of the carrier to interference ratios (column 9, line 46- column 10, line 32).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings of Hamalainen of reassigning to different corresponding common traffic channels in the system of Lee ('604) in view of Love. One ordinary skill in the art would have been motivated to do this because it is an efficient way to minimize interference with other terminals.

Regarding claims 17 and 55, Lee ('604) in view of Love discloses all the claim limitations as stated above except for retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels.

Hamalainen teaches retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels (column 9, line 62-column 10, line 32).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Hamalainen of retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels in the system of Lee ('604) in view of Love. One of ordinary skill in the art would have been motivated to do this because retransmitting data bursts allows the receiver to receive data free of errors. In addition, using reassigned corresponding common traffic channels is an efficient way to minimize interference with other terminals.

Lee ('604) in view of Love and Hamalainen do not expressly disclose one or more of the N times non-acknowledging dormant access terminals changing to the active mode of operation.

However, Lee ('604) discloses that the base station in all operating states continually transmits signals on the forward pilot channel (column 4, lines 29-48).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to change the dormant access terminals to the active mode in order to synchronize between the mobile terminal and the base station by using dedicated control channel.

Regarding claims 18 and 56, Lee ('604) in view of Love discloses all the claim limitations as stated above except for retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels.

Hamalainen teaches retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels (column 9, line 62-column 10, line 32).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Hamalainen of retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels in the system of Lee ('604) in view of Love. One of ordinary skill in the art would have been motivated to do this because retransmitting data bursts allows the receiver to receive data free of errors. In addition, using reassigned corresponding common traffic channels is an efficient way to minimize interference with other terminals.

10. Claims 24-28 and 62-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee ('604) in view of Hamalainen et al. as applied to claims 19-22 above, and further in view of Love et al.

Regarding claims 24-26 and 62-64, Lee ('604) in view of Hamalainen discloses all the claim limitations as stated above. Lee discloses that channel is shared by mobile terminals through an access mechanism based on competition. The packet access channel is called PDACH in the dormant state (claimed assigning one or more of the dormant access terminals to one or more corresponding common traffic channels). Hamalainen teaches that some basic parameter values can be transmitted between the base station and the mobile station when the mobile station is in idle mode. Further, Hamalainen teaches, in Fig. 3, that the receiving device requests the transmitting device to retransmit burst.

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However, Lee ('604) in view of Hamalainen does not expressly disclose assigning one or more of the dormant access terminals to one or more corresponding rate groups.

Love teaches, in Fig. 4, scheduling a plurality of mobile units for data transmission over a common channel shared by the plurality of mobile units based on C/I measurements provided by each remote unit (0025).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Love of assigning one or more of the dormant access terminals to one or more corresponding rate groups to the mobile communication system of Lee ('604) in view of Hamalainen et al. One of ordinary skill in the art would have been motivated to do this because to assign terminals to corresponding rate groups provides the ability to maintain high data rates connection based on channel quality feedback (0005).

Regarding claims 27 and 65, Lee ('604) and Hamalainen discloses all the claim limitations as stated above except for non acknowledging dormant access terminals changing to the active mode of operation. Further, Lee ('604) discloses that the base station in all operating states continually transmits signals on the forward pilot channel (column 4, lines 29-48).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to change the dormant access terminals to the active mode in order to synchronize between the mobile terminal and the base station by using dedicated control channel.

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Regarding claims 28 and 66, Lee ('604) in view of Hamalainen discloses all the claim limitations as stated above. Lee discloses that channel is shared by mobile terminals through an access mechanism based on competition. The packet access channel is called PDACH in the dormant state (claimed assigning one or more of the dormant access terminals to one or more corresponding common traffic channels). Hamalainen teaches retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels (column 9, line 62-column 10, line 32).

However, Lee ('604) in view of Hamalainen does not expressly disclose assigning one or more of the dormant access terminals to one or more corresponding rate groups.

Love teaches, in Fig. 4, scheduling a plurality of mobile units for data transmission over a common channel shared by the plurality of mobile units based on C/I measurements provided by each remote unit (0025).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Love of assigning one or more of the dormant access terminals to one or more corresponding rate groups to the mobile communication system of Lee ('604) in view of Hamalainen et al. One of ordinary skill in the art would have been motivated to do this because to assign terminals to corresponding rate groups provides the ability to maintain high data rates connection based on channel quality feedback (0005).

11. Claims 29-38 and 67-76 are rejected under 35 U.S.C. 103(a) as being obvious over Lee et al. ('604) in view of Hamalainen et al. and Love et al.

Lee discloses all the claim limitations as stated above in claim 1 except for rate groups; time slots (as in claims 29-36, 38); retransmitting the short data bursts to the non-acknowledging dormant access terminal (as in claims 33 and 71); reassigning non-acknowledging dormant access terminals to different corresponding common traffic channels; and reassigned corresponding traffic channels are determined as a function of the carrier to interference ratios (as in claims 34-36 and 72-74); non acknowledging dormant access terminals changing to the active mode of operation (as in claims 37 and 75); and retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels (as in claims 38 and 76).

Regarding claims 29-32 and 67-70, Hamalainen teaches that the concept "burst" means the quantity of data that is transmitted in one slot of the frame structure (column 3, lines 27-44).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Hamalainen of assigning the dormant access terminals to one or more corresponding common traffic channels and time slots in the data communication system of Lee. One of ordinary skill in the art would have been motivated to do this because time slots can be divided in different ways, so that one frame may contain slots of varying sizes.

Love teaches, in Fig. 4, scheduling a plurality of mobile units for data transmission over a common channel shared by the plurality of mobile units based on C/I measurements provided by each remote unit (0025).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Love of assigning one or more of the dormant access terminals to

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one or more corresponding rate groups to the mobile communication system of Lee ('604). One of ordinary skill in the art would have been motivated to do this because to assign terminals to corresponding rate groups provides the ability to maintain high data rates connection based on channel quality feedback (0005).

Regarding claims 33 and 71, Hamalainen teaches that some basic parameter values can be transmitted between the base station and the mobile station when the mobile station is in idle mode. Further, Hamalainen teaches, in Fig. 3, that the receiving device requests the transmitting device to retransmit burst.

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings of Hamalainen of retransmitting short data bursts in the dormant state of Lee ('604). One of ordinary skill in the art would have been motivated to do this because retransmitting data bursts allows the receiver to receive data free of errors and to maintain the synchronization between the transmitter and receiver, and ensures proper receipt of data by the receiver.

Regarding claims 34-36 and 72-74, Hamalainen teaches, in Fig. 3, reassigning non-acknowledging dormant access terminals to different corresponding common traffic channels; and reassigned corresponding traffic channels are determined as a function of the carrier to interference ratios (column 9, lines 46-65).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Hamalainen of using different corresponding common traffic in

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the dormant state of Lee ('604). One ordinary skill in the art would have been motivated to do this because it is an efficient way to minimize interference with other terminals.

Regarding claims 37 and 75, Lee and Hamalainen discloses all the claim limitations as stated above except for non acknowledging dormant access terminals changing to the active mode of operation. Further, Lee discloses that the base station in all operating states continually transmits signals on the forward pilot channel (column 4, lines 29-48).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to change the dormant access terminals to the active mode in order to synchronize between the mobile terminal and the base station by using dedicated control channel.

Regarding claims 38 and 76, Lee in view of Love discloses all the claim limitations as stated above in claim 29. Further, Lee discloses that channel is shared by mobile terminals through an access mechanism based on competition. The packet access channel is called PDACH in the dormant state (claimed assigning one or more of the dormant access terminals to one or more corresponding common traffic channels). However, Lee ('604) does not expressly discloses retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels.

Hamalainen teaches retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels (column 9, line 62-column 10, line 32).

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It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teaching from Hamalainen of retransmitting the short data bursts to one or more of the N times non acknowledging dormant access terminals using the reassigned corresponding common traffic channels in the system of Lee ('604). One of ordinary skill in the art would have been motivated to do this because retransmitting data bursts allows the receiver to receive data free of errors. In addition, using reassigned corresponding common traffic channels is an efficient way to minimize interference with other terminals.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kumar et al. (US 6,757,270) discloses a back haul architecture that effectively reduces the reactivation times for both forward-link and reverse-link data transmissions over CDMA wireless communication systems.

Willars (US 6,480,476) discloses a variable sleep mode for mobile stations in a mobile communications.

Park et al. (US 6,442,152) discloses a device and method for communicating packet data in mobile communication system.

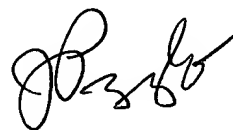
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
September 16, 2004



JOHN PEZZLO
PRIMARY EXAMINER